

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RIGOBERTO GUARDADO AND DEBORAH E. GUARDADO, MARIA E. GUARDADO, SP 2015-LE-052 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in minimum yard requirements based on error in building location to allow an accessory structure to remain 2.5 ft. from a side lot line and 6.7 ft. from rear lot line and an addition to remain 13.9 ft. from a side lot line. Located at 3118 Groveton St., Alexandria, 22306, on approx. 12,675 sq. ft. of land zoned R-2, HC. Lee District. Tax Map 92-2 ((18)) (2) 31. (Concurrent with VC 2015-LE-008). Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 23, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the property.
2. The applicants' nephew built the structure (attached garage), someone who is in the construction business. The Board is to determine that the noncompliance was done in good faith or through no fault of the property owner, and they do not believe they can find that in this case.
3. The Board will not be able to recommend approval of the garage in this special permit.
4. There is a neighbor who is in support, she does not oppose the existing attached garage, but the Board was not persuaded.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED-IN-PART** for the addition, with the following development conditions:

1. This special permit is approved for the location of the addition, as shown on the plat prepared titled "Variance Plat & Special Permit Plat, Lots 31, 32 and 33, Block 2, Section 1, Groveton Heights," prepared by Lawrence H. Spilman III, L.S., dated February 16, 2015, as revised through July 29, 2015, as included in this report.


2. All applicable permits and final inspections shall be obtained for the canopy within 60 days of the approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hart seconded the motion, which carried by a vote of 5-1. Mr. Beard voted against the motion. Mr. Smith was absent from the meeting.

A Copy Teste:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals